

REMARKS

Claims 1-17 are pending in this application. Claims 18-26 have been added.

The Office Action dated June 1, 2004, and the references cited therein have been received and carefully considered. Each issue raised in that Office Action is addressed herein.

Drawings

The individual views that comprise Figure 5 have been individually labeled, and the specification has been amended to remove reference numerals 12 and 13.

Specification

The specification has been amended to address the issues raised by the examiner. In addition, section headings have been added and minor typographical issues have been addressed.

35 U.S.C. 112, second paragraph

Claims 1, 2, 5, 7, 8 and 14 have been amended to more clearly define the invention.

Allowable Claims

Claims 9-15 are objected to as being dependent upon a rejected base claim but are indicated to be allowable if amended to include

the limitations of their base claims. Claims 9-15 have been thus amended and are now believed to be in condition for allowance.

35 U.S.C. 103

Claim 1 stands rejected under 35 U.S.C. 103(a) as being unpatentable over Zwigmeyer in view of Anstadt. By the above amendment, claim 1 has been amended to require a plurality of planar planks that can be laid in curved formations, as are illustrated, for example, in Figure 4 of the present application. Zwigmeyer discloses curved, non-planar wall elements in Figure 3. There is no showing or suggestion in Zwigmeyer or the art of record of a shape conforming surface covering comprising planar planks that can be laid in curved formations as required by claim 1. Claim 1 and its dependent claims 2-8, 16 and 17 are submitted to be allowable over the art of record for this reason.

New claim 18 is also submitted to be allowable over the prior art. Claim 18 requires a shape conforming surface covering comprising interconnected, flexible, first and second planks having a first width and a caulking strip having a second width less than said first width formed between said first and second curved planks. The art of record does not show or suggest a surface covering as required by this claim, and claim 18 is therefore submitted to be allowable. Claims 19-26 depend from claim 18 and are therefore submitted to be allowable for the same reasons as

claim 18.

Conclusion

Each issue raised in the Office Action dated June 1, 2004, has been addressed, and it is believed that claims 1-26 are now in condition for allowance. Wherefore, reconsideration and allowance of these claims is earnestly solicited.

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact Scott Wakeman (Reg. No. 37,750) at the telephone number of the undersigned below, to conduct an interview in an effort to expedite prosecution in connection with the present application.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. §§ 1.16 or 1.17; particularly, extension of time fees.

Respectfully submitted,

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AMENDMENTS TO THE DRAWINGS

Attached hereto is(are) one (1) sheet(s) of corrected formal drawings that comply with the provisions of 37 C.F.R. § 1.84. The corrected formal drawings incorporate the following drawing changes:

The separate views comprising Figure 5 have been individually labeled.

It is respectfully requested that the corrected formal drawings be approved and made a part of the record of the above-identified application.